

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AARON ALVAREZ-VILLASENOR,

Plaintiff,

v.

LIZA ROHRER, NACY DAVIES,
BERNARD WARNER, DAN
PACHOLKE, JEFFREY UTTECHT
and MAURO PARTIDA,

Defendants.

NO: 12-CV-5107-TOR

ORDER DENYING MOTION FOR
CLASS CERTIFICATION

BEFORE THE COURT is Plaintiff's Motion for Class Certification, ECF No. 9. Plaintiff, a prisoner at the Coyote Ridge Corrections Center, is proceeding *pro se* and *in forma pauperis*; Defendants have not been served. It appears from Plaintiff's single page motion, as well as supporting affidavits from three other inmates at the Coyote Ridge Corrections Center who have ICE (Immigration and Customs Enforcement) detainers lodged against them, that Plaintiff is attempting to certify a plaintiff class.

1 As a *pro se* plaintiff, however, Mr. Alvarez-Villasenor cannot “fairly and
2 adequately protect the interests of the class,” as required by Fed. R. Civ. P.
3 23(a)(4). *See Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975) (per
4 curium) (plain error to permit imprisoned litigant, unassisted by counsel, to
5 represent fellow inmates in a class action). “Every court that has considered the
6 issue has held that a prisoner proceeding *pro se* is inadequate to represent the
7 interests of his fellow inmates in a class action.” *Caputo v. Fauver*, 800 F. Supp.
8 168, 170 (D.N.J. 1992) *aff’d without op.*, 995 F.2d 216 (3rd Cir. 1993).
9 Accordingly, Plaintiff is not qualified to pursue the claims on behalf of other
10 inmates or to protect their interests. Furthermore, Plaintiff, as a non-attorney, has
11 no authority to appear as an attorney for others. *C.E. Pope Equity Trust v. United*
12 *States*, 818 F.2d 696, 697 (9th Cir. 1987). Therefore, Plaintiff’s Motion for Class
13 Certification, ECF No. 9, is **DENIED**.

14 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
15 Order and forward a copy to Plaintiff.

16 **DATED** this 15th day of January, 2013.

17
18 s/ Thomas O. Rice
THOMAS O. RICE
19 United States District Judge
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